

36 Ct. Cases 2139/2019
MUTHOOT FINANCE LTD Vs. ATUL MANCHANDA AND ORS
PS Sadar Bazar

16.12.2024

Present : Sh. Prabhakar Pandey, Ld. Counsel for complainant alongwith
AR of the complainant.

Arguments on the application u/s 156 (3) Cr.P.C. heard.

The entire case file including the ATR has been perused
carefully.

Reproduction of facts is dispensed with for the sake of brevity
and saving judicial time.

In the considered opinion of this Court the perusal of complaint
and the annexures attached therewith reveal that the allegations contained
therein do not disclose commission of such cognizable offence which is
required to be investigated by the police .

Reliance is placed by this Court on the judgment delivered in
case titled as 'M/s Skipper Beverages P. Ltd. Vs. State', 2002 Cr.L.J. NOC 333
(Delhi) wherein Hon'ble Delhi High Court held that *Section 156 (3) Cr.P.C.*
empowers a Magistrate to direct police to register case and initiate
investigation but this power has to be exercised judiciously and not in a
mechanical manner. Those cases where allegations are not very serious and
complainant herself in possession of evidence to prove allegation, there should
be no need to pass order u/sec.156(3) Cr.P.C. But cases where the Magistrate
is of the view that nature of allegation is such that complainant himself may
not be in position to collect and produce evidence before court, and interest of
justice demand that police should step in to help complainant, police assistant
can be taken.

Therefore, the application u/s 156 (3) Cr.P.C. for registration of
an FIR in the present case stands dismissed. An opportunity is granted to the
complainant to prove his case by leading evidence in his support.

Be put up for PSCE on 15.03.2025.

(GAURAV GOYAL)
JMFC-06(C)/THC/Delhi/16.12.2024